APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,214	06/29/2001	Christopher L. Hess	42390.P11653	9312

8791	7590	10/05/2005

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

EXAMINER
CASIANO, ANGEL L

ART UNIT	PAPER NUMBER
2182	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the·correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>15 July 2005</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-30</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-30</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>15 July 2005</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Response to Amendment

The present Office action is in response to Amendment dated 15 July 2005.

Claims 1-30 are pending. All claims have been examined.

Drawings

1. Previous Objection to the Drawings has been overcome with the present Amendment.

Specification

2. Previous Objection to the Abstract has been overcome with the present Amendment.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-8, 10-14, 16-28, and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by

Astala et al. [US 2002/0002635 A1].

Regarding claim 1, Astala et al. teaches a method for accessing the Internet (see

Abstract). The prior art method includes phase control configuration data for a Web site (Page 2,

[0011]-[0020]). In the prior art, the Web site includes a plurality of sections (see Page 2, [0014];

Figure 6; Page 7, [0067]) and dispatching a section of said plurality of sections utilizing said

phase control configuration data (Page 7, [0066]).

Although not using the specific term, Astala et al. also teaches a phase, defined as

comprising a Web page within the website (see Page 7, [0067]). Astala et al. teaches six active

windows with comprise a webpage as a thumbnail image. In addition, the reference groups these

representations by functionality (see "windows that relate to a certain task, such as browsing

generic internet pages"; Page 8, [0075]) and order (see "visual representations allow a user to

appropriately find and access desired internet pages more easily"; Id.).

As for claim 2, the method disclosed by Astala et al. includes the step of modifying said

Website (Page 7, [0067]) in response to an alteration of said phase control configuration data.

As for claim 3, phase control configuration data in Astala et al. specifies an order (see

"controller configured to obtain image *based on* previously displayed web page", Page 7, [0066]

emphasis added) of said plurality of sections and dispatches a section of said plurality of sections

utilizing said phase control configuration data (see Page 6, [0066-0067]). The reference further

teaches selecting said section of said plurality of sections utilizing (*based on*) said order. A Web

page is displayed via a Web browser client application across a communications network (see

Figure 1) in response to selecting said section of said plurality of sections (see Page 2, [0011]

and Abstract, "browser reaccess the first internet web page).

As for claim 4, Astala et al. teaches a Web site, which includes a plurality of, phases and

selecting the section utilizing said order (see Page 7, [0066]) comprises selecting a phase

utilizing said phase control configuration data.

As for claim 5, Astala et al. teaches displaying a Web page via a Web browser client

application across a communications network comprises displaying a Web page including

dynamic (see Page 2, [0019-0020]) content via a Web browser client application.

As for claim 6, Astala et al. teaches input of data which is collected by the control

application (Page 7, 0071]).

As for claim 7, Astala et al. teaches *collecting* said input data utilizing a control

application including *receiving* said input data via said Web page (see "user selects active

window such as Fig 6., *604*") and *collecting* said input data utilizing in response to receiving said

input data via said Web page.

As for claim 8, the reference teaches processing the input data using the control

application (see Page 7, [0071-0072]).

Regarding claim 10, Astala et al. teaches a method for a network as disclosed in claim 1. Therefore, the reference also teaches the *machine-readable medium*, which when executed by a machine perform the steps of the method. Therefore, the present claim is rejected under the same basis.

As for claims 11-14, these are directed to the machine-readable medium providing the instructions for executing the steps of the method, rejected in previous claims. The present claims are also rejected under the same basis.

Regarding claim 16, Astala et al. teaches a method (see Abstract, "method and device") as disclosed in claim 1. Therefore, the reference also teaches the *apparatus*, having the memory and dispatcher for performing the steps of the method. Therefore, the present claim is rejected under the same basis.

As for claims 17-21, these are directed to the apparatus providing the devices for executing the steps of the method, rejected in previous claims. The present claims are also rejected under the same basis.

Regarding claim 22, Astala et al. teaches a method and device for a network (see Abstract) as disclosed in claim 1. Therefore, the reference also teaches the *computer system* (Figure 1), having the processor, *network* interface, and memory having a plurality of

instructions to perform the steps of the method. Therefore, the present claim is rejected under the same basis.

As for claims 23-28, these are directed to the computer system providing the devices and interface for executing the steps of the method, rejected in previous claims. The present claims are also rejected under the same basis.

As for claim 30, Astala et al. teaches a network attached storage device (see Figure 1, "28"; Page 3, [0040]).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 9, 15, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Astala et al. [US 2002/0002635 A1] in view of Lim et al. [US 6,370,582 B1].

As per claim 9, Astala et al. fails to teach control configuration data specifying a Common Gateway Interface application (CGI) associated with the section and processing input data utilizing the control application, as claimed. Regarding this limitation, Lim et al. teaches

executing a CGI application on input data as part of data processing (see col. 9, lines 22-39). At the time of the invention, one of ordinary skill in the art would have been motivated to combine the cited disclosures in order to include a set of programs able to perform "processing" and "storing" functions, as well as "creating a web page dynamically from request of a web page", as taught by Lim et al.

As for claim 15, this corresponds to the *machine-readable medium* providing instructions for the execution of the method as disclosed in claim 9. This claim is rejected under the same rationale.

As per claim 29, it corresponds to the *computer system* for the implementation of the method as disclosed in claim 9. This claim is rejected under the same rationale.

Response to Arguments

7. Applicant's arguments filed 15 July 2005 have been fully considered but they are not persuasive. Accordingly, Examiner maintains his position as stated in previous Office action. While the Examiner acknowledges that Astala et al. does not refer to the term *phase*, it does teach a visual configuration, comprising a Web page within the website. Astala et al. teaches six active windows with comprise a webpage as a thumbnail image. As discussed above, the reference groups these representations by functionality and order.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Givol et al. [US 20010027475 A1] teaches "displaying images and other information".

- Pasquali [US 20020012010 A1] teaches "system and method for facilitating a windows based content manifestation environment within a WWW browser".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angel L. Casiano whose telephone number is 571-272-4142. The examiner can normally be reached on 9:00-5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 571-272-4083. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alc
29 September 2005

KIM HUYNH
PRIMARY EXAMINER

9/30/05